

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

HERBERT QUADE,

Plaintiff,

v.

Case No. 11-CV-733

**DAVID BETH, JOHN DOE,
and JANE DOE,**

Defendants.

ORDER DISMISSING ACTION

On December 11, 2012, the court granted the plaintiff additional time until December 31, 2012, to file a response to defendant Beth's motion for summary judgment. The plaintiff was advised that this case would be dismissed for lack of prosecution if he failed to comply. See Civil Local Rule 41(c). To date, no response has been filed.

The plaintiff received copies of Civil Local Rules 7 and 56. Civil Local Rule 7(d) states that "failure to file a memorandum in opposition to a motion is sufficient to cause for the Court to grant the motion." Civil Local Rule 41(c) authorizes the court to dismiss the action with or without prejudice if the plaintiff "is not diligently prosecuting the action." Under the attendant circumstances, the Court concludes that it is appropriate to dismiss the action with prejudice.

NOW, THEREFORE, IT IS ORDERED that this case is dismissed with prejudice for lack of prosecution.

IT IS FURTHER ORDERED the Clerk of Court enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 3rd day of January, 2013.

BY THE COURT:



AARON E. GOODSTEIN

United States Magistrate Judge